

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
EMORY G. SNELL, JR.,)	
Plaintiff,)	
)	Civil Action No.
v.)	20-cv-12093-NMG
)	
MD STEVEN DESCOTEAUX, et al.,)	
Defendants.)	
_____)	

ORDER

GORTON, J.

In this action, pro se plaintiff Emory G. Snell, who is incarcerated at MCI Shirley, alleges that he has not received adequate medication treatment or accommodations for his medical conditions. On March 15, 2024, the Court adopted the Magistrate Judge's Report and Recommendation that the Court allow the defendants' motions for summary judgment. (Docket ## 361, 362). On March 20, 2024, the Court entered judgment in favor of the defendants. (Docket # 364).

Now before the Court are four post-judgment motions filed by Snell. In "Plaintiff's Verified Motion for Protective/Procedural Order," Snell asks that the Court enter an order "enjoining future intentional interference with [his] life-threatening cardiac conditions, or obstruct periodic monitoring, or causing Plaintiff to intentionally undergo

emergency surgery." (Docket # 366 at 5).¹ Snell has also filed a motion for recusal, alleging "heavy favoritism towards the defendants" by the presiding district judge. (Docket # 367 at 3). Snell's "Motion Opposing Magistrate's R & R Granting Summary Judgement to the Medical Defendants" is essentially an untimely objection to one of the Magistrate Judge's Report and Recommendations. (Docket # 368). In his "Motion to Vacate, Modify, or Dismiss Summary Judgment Erroneously Granted," Snell argues that summary judgement was inappropriate because "the medical complexities of his claims can only be resolved through expert cardiac opposition." (Docket # 369 at 1).


The motion for recusal (Docket # 367) is DENIED. Snell does not set forth adequate grounds for recusal. See 28 U.S.C. § 455; In re United States, 441 F.3d 44, 67 1st Cir. 2006) (noting that a judge's statements and rulings—even if erroneous—rarely provide a basis for recusal).

The "Motion for Protective/Procedural Order" (Docket # 366), "Motion Opposing Magistrate's R & R Granting Summary Judgement to the Medical Defendants" (Docket # 368), and "Motion to Vacate, Modify, or Dismiss Summary Judgment Erroneously Granted" (Docket # 369), are DENIED. Treating these motions as

¹ The cover letter included with this motion is dated March 19, 2024, and the Court received the filing on March 29, 2024. That Snell may have mailed the motion prior to the date the final judgment entered is immaterial.

brought under Rule 60 of the Federal Rules of Civil Procedure, the Court finds that they do not set forth a basis for this Court to provide Snell relief from the final judgment or other orders entered against him. Further judicial review may be had in front of the United States Court of Appeals for the First Circuit.

So ordered.



Nathaniel M. Gorton
United States District Judge

Dated: 05/10/2024